

AF
ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of
Richard J. Feldmann
Serial No. 09/866,925
Filed: May 30, 2001
For: Algorithmic determination of flanking DNA sequences
that control the expression of sets of genes in
prokaryotic, archae and eukaryotic genomes

Group Art Unit 1645

Examiner John S. Brusca

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated
September 23, 2004 of the Primary Examiner finally rejecting Claims 20-37.

The Appeal fee of \$250.00 is included in the attached check.

XX Enclosed: Check - \$310.00

— Not required (fee paid in prior appeal in this application with no Board decision on the merits.)

XX Petition is hereby made to the Commissioner of Patents and Trademarks to extend the period for filing
this Notice of Appeal for one month, so as to expire January 23, 2005. The fee for this
extension (\$60.00) is included in the attached check.

The Commissioner is hereby authorized to charge any additional fees which may be required (or credit
any overpayment) to Deposit Account No. 26-0090.

01/27/2005 MAHMED1 00000074 09866925

01 FC:2401
02 FC:2251250.00 OP
60.00 OP

Respectfully submitted,

Jim Zegeer, Reg. No. 18,957
Attorney for Applicants

Suite 108
801 North Pitt Street
Alexandria, VA 22314
Telephone: 703-684-8333

Date: January 24, 2005

In the event this paper is deemed not timely filed,
the applicant hereby petitions for an appropriate
extension of time. The fee for this extension may
be charged to Deposit Account No. 26-0090 along
with any other additional fees which may be
required with respect to this paper.